



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-670
Regulation title	Degree Requirements for Social Work Occupational Group
Document preparation date	August 15, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the Code provides the Board the general authority to promulgate regulations to carry out the purpose of Title 63.2. Section 63.2-219 gives the Board authority to establish employee entrance and performance standards for local personnel to provide public assistance or social services under Title 63.2.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Regulation of the subject matter is required from a statutory standpoint, in order to achieve the purpose.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
<p>Virginia Society for Clinical Social Work (Submitted by Joseph G. Lynch, LCSW)</p>	<p>The Virginia General Assembly passed § 54.1-3709. Unlawful designation as social worker, that is to become effective on July 1, 2013. The regulations in 22VAC40-670 needs to be amended and in some sections terminated in order to be in compliance with § 54.1-3709. The statute concerns the use of the title "Social Worker" so it is specifically and directly applicable to the review of 22 VAC 40-670 as these are the regulations that address degree requirements for "Social Work Occupational Group" in the Department of Social Services.</p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p>
<p>Jonathan Lebolt, PhD, LCSW, Private Practice</p>	<p>Social Worker title should require social work degree</p> <p>As a member of the National Association of Social Workers, Virginia Chapter, and the Virginia Society for Clinical Social work, I urge that you support this executive order, so that the title, "social worker," may be used only by a person with a social work degree.</p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p>
<p>Sharon L. Payne LCSW CSAC</p>	<p>Please correct this executive order to indicate that only those with a social work degree may use the title of social worker. The order will then</p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received</p>

	<p>be in compliance with 54.1-3709. Social Work training is necessary for persons providing social work services as a protection of the public.</p>	<p>approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p>
<p>Adele I. Karp, MSW, LCSW</p>	<p>Social Work title should require Social Work Degree! As a charter member of the Virginia Society of Clinical Social Work, I request that “persons using the title of “Social Worker” must be either licensed under the requirements of Chapter 37 of Title 54.1...or use clarifying initials that signify receiving a baccalaureate or master’s degree in Social work from an accredited school of social work or program approved by the Council on Social Work Education, or a doctorate in social work. <i>It is extremely important that the title of “Social Worker” clearly exclude any other training, experience, or education in order to protect our profession and title, and that the regulations must be amended to require compliance with 54.1-3709 in all aspects.</i></p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p>
<p>Debra Riggs, Executive Director, National Association of Social Workers-VA</p>	<p>As of July 1, 2013, the regulations in their current form will violate § 54.1-3709. The NASW-VA recommends that this section be amended to comply with the law by removing the previously used terms “Social Work” or “Social Worker” to describe general job categories or job titles. These titles should now only be used in conjunction with an employee who has the appropriate social work education as designated in § 54.1-3709.</p> <p>The terms that need to be changed in 22VAC40-670-10 and 22VAC40-</p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track</p>

	<p>670-20 are: ~“Social Work Occupational Group” ~The following occupational titles: "Social Work Supervisor; Social Worker IV; Social Worker III; Social Worker II; Social Worker I; Social Work Manager."</p>	<p>regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p>
<p>Cynthia B. Jones Department of Medical Assistance</p>	<p>The Code of Virginia § 32.1-330 that the community based screening team shall consist of a nurse, social worker, and physicians who are employees of the Department of Health or the local department of social services. For over thirty years, local DSS employees have participated on screening teams had have assisted seniors and persons with disabilities access critical long-term care services.</p> <p>Please ensure that, as the VDSS moves to comply with § 54.1-3709 by making changes to 22VAC40-670, the Code mandating local DSS employees' participation in community based screenings remains in force.</p>	<p>The Department has taken the following actions to conform with § 54.1-3709:</p> <p>On April 18, 2013, the Department received approval by the State Board of Social Services to replace the Social Work occupational group with Family Services. The new occupational titles are:</p> <p style="padding-left: 40px;">Family Services Specialist I, II, III, and IV Family Services Supervisor Family Services Manager</p> <p>Also on April 18, 2013, the State Board of Social Services approved a fast-track regulation to amend 22VAC40-670 in accordance with the approved changes by the State Board of Social Services. The fast-track regulation is pending with the Secretary of Health and Human Resources.</p> <p>Pre-admission Screening:</p> <p>The new law requires that a licensed Social Worker (or a qualified individual with a BSW, MSW or DSW) be on the pre-admission screening team and sign the Uniform Assessment Instrument (UAI).</p> <p>On July 3, 2013, the Department in consultation with the Office of Attorney General, Department of Aging and Rehabilitative Services, Department of Medical Assistance, and Department of Health Professions authorized a new procedure to allow local department employees to continue to perform essential pre-admission screenings.</p> <p>Under the new procedure, qualified family services specialists who currently serve on pre-admission screening teams may continue to do so. However, an additional step has been added to comply with UAI and Social Worker title requirements: the UAI must be reviewed, approved and signed by a licensed Social Worker or qualified individual. The signature</p>

		<p>shall be followed by the appropriate designation of BSW, MSW or DSW.</p> <p>The Department of Medical Assistance Services intends to seek clarifying legislation in the 2014 General Assembly. In the meantime, local departments should follow this new procedure to ensure that those who request Medicaid-funded long-term care pre-admission screenings receive them.</p>
--	--	--

No informal advisory group was formed for purposes of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 14 (2010). The regulation is necessary for the protection of public health, safety and welfare, and is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation remain in effect as a result of this periodic review, in light of the pending fast-track regulation to amend.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency’s determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation applies to the entrance standards of employees hired and employed by local departments of social services. These standards do not apply to the private sector or small businesses; therefore, will not have an impact on small businesses.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The regulation applies to the entrance standards of employees hired and employed by local departments of social services. It has no impact on the institution of the family and family stability.